

Select Committee Agenda



Stronger Place Select Committee Tuesday, 8th November, 2022

You are invited to attend the next meeting of **Stronger Place Select Committee**, which will be held at:

on **Tuesday, 8th November, 2022**
at **7.30 pm** .

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

Laura Kirman
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors R Balcombe (Chairman), R Pugsley (Vice-Chairman), R Bassett, S Heather, S Heap, J Jennings, C McCredie, I Allgood, P Bolton, R Morgan and H Brady

SUBSTITUTE NOMINATION DEADLINE: 6.00PM

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking. The Chairman will read the following announcement:

“The Chairman would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

2. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage to report non-attendance at meetings <https://eppingforestdcself.achieveservice.com/service/Member>Contact> to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council’s website, at the bottom under ‘Contact Us’ <https://www.eppingforestdc.gov.uk/yourcouncil/members-portal/>

3. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

4. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

5. NOTES OF PREVIOUS MEETING (Pages 5 - 8)

To agree the notes of the meeting of the Select Committee held on 5 July 2022.

6. MATTERS ARISING AND OUTSTANDING ACTIONS

To consider any matters arising and outstanding actions from the minutes of the previous meeting(s) that are not covered elsewhere in this agenda.

7. TERMS OF REFERENCE & WORK PROGRAMME (Pages 9 - 12)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference and work programme for this select committee. Members are invited at each meeting to review both documents.

8. LITTER STRATEGY (Pages 13 - 36)

(James Warwick) To note the report detailing the Epping Forest District Council Litter Strategy as approved by Cabinet and the next steps for the Litter Strategy.

9. LEISURE SERVICES CONTRACT UPDATE (Pages 37 - 40)

(James Warwick) To note and comment on the attached leisure services contract update.

10. WASTE MANAGEMENT CONTRACT UPDATE (Pages 41 - 44)

(James Warwick) To note and comment on the Waste Management Contract Update.

11. DATES OF FUTURE MEETINGS

To note that future meetings of the Select Committee will be held at 7.00pm on 16 January 2023.

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Stronger Place Select Committee	Date:	Tuesday, 5 July 2022
Place:		Time:	7.00 - 7.55 pm
Members Present:	Councillors R Balcombe (Chairman), R Bassett (Vice-Chairman), S Heather, I Allgood, P Bolton, H Brady and J H Whitehouse		
Members Present (Virtually):	Councillors R Pugsley		
Other Councillors:	Councillors N Avey, N Bedford and H Whitbread		
Other Councillors (Virtual):	Councillors H Kane, S Kane, A Lion and J Philip		
Apologies:	S Heap, J Jennings, C McCredie and R Morgan		
Officers Present:	L Kirman (Democratic Services Officer), A Buckley (Higher Level Apprentice (Internal Communications)), J Warwick (Interim Acting Service Director (Contracts)) and A Small (Section 151 Officer)		
Officers Present (Virtually):	V Messenger (Democratic Services Officer)		

1. WEBCASTING INTRODUCTION

The Chairman made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

2. ELECTION OF VICE CHAIRMAN

In the absence of the Vice Chairman, the meeting appointed Cllr R Bassett as the Vice Chairman for the duration of the meeting.

3. SUBSTITUTE MEMBERS

The Committee noted that Cllr Janet Whitehouse would substitute for Cllr McCredie.

4. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Members' Code of Conduct.

5. NOTES OF PREVIOUS MEETING

That the notes of the meeting held 15 March 2022 were agreed as a correct record.

6. TERMS OF REFERENCE & WORK PROGRAMME

The Committee requested confirmation of the date that the sustainable transport update would be brought to the Committee.

The Committee noted the Terms of Reference and the Work Programme.

7. LITTER STRATEGY

J Warwick (Acting Service Director (Contracts)) introduced the Litter Strategy and advised the Committee that the Strategy would support the commitment to Government's Litter Strategy for England, the Environmental Protection Act 1990, the Code of Practice on Litter and Refuse (2019), and reflected residents desire for a clean and healthy environment free from litter, fly-tipping and dog waste. The Litter Strategy set out the legal duty, accountability, and enforcement actions. The Council would continue to work in partnership with a range of voluntary groups, other authorities and partners to prevent litter and would continue to support national initiatives. The Committee were informed that five litter picks had been completed and seventy-two bags of litter collected during the Great British Spring Clean. There had also been sixteen applications for support for equipment for litter picks, fifteen of these had been completed.

Members of the Committee suggested:

- the strategy lacked specifics including aims and objectives
- the document could be improved through the realignment and strengthening of sections.
- the enforcement section should be strengthened and could contain details of FPN, the use of mobile CCTV and other relevant actions.
- the document could have more detail on the education programme.
- closer liaison with Town and Parish Councils and adjacent authorities.
- area wide impacts could be considered through a multi-agency approach.
- proactive enforcement in prioritised areas should be used.
- a balance between education and enforcement was required to ensure an effective strategy.
- information relating to special bulky collections and other service provided could be included.
- the litter strategy should be set in the wider context of the waste hierarchy.
- that the Council could lobby for higher levels of fines for litter and fly-tipping offences.

Members of the Committee also challenged:

- why rural areas were not included in the street cleansing standards report.
- the appropriateness of overall volumes of waste as a KPI for littering and requested alternative measures including number of fly tips and number of fixed penalty notices issued.
- how this strategy aligned with the Essex specifically in relation to the restrictions on civic amenity sites and commercial waste, which the committee felt exacerbated the number of fly-tips.

Members of Cabinet emphasised the need for a litter strategy and suggested that the comments made by the Select Committee would strengthen the Strategy, before being considered by Cabinet.

The Committee were advised by J Warwick that:

- waste collected in litter bins that contained dog waste could be separated and cleaned for recycling at the Edmonton facilities
- weeds formed part of the standards of street cleanliness, the responsibility fell to Essex CC who contracted EFDC to carry out weed spraying. The budget provided by Essex CC had been reduced and this had limited the number of sprays per year, the chemicals used for spraying had also been restricted. A schedule of weed spraying could be supplied on request.
- there was regular dialogue across Essex through the Essex Waste Partnership Board. Work had commenced on a new waste strategy for the county, and further details on what materials the tips would accept, including building waste, and the booking system in use would be clarified and circulated.
- any fly tips reported would be cleared.

The Committee acknowledged and thanked Biffa for the regular street cleansing work.

Action: The Committee requested that the strategy was reviewed, strengthened, and refined. The revised strategy would be circulated to members of the Committee for direct feedback before presentation at the next Stronger Place Select Committee.

Resolved

The Committee recommended that the Litter Strategy should be reviewed and presented at the next meeting of the Select Committee,

8. DATES OF FUTURE MEETINGS

The Committee noted that the date of the next meeting would be 13 September 2022.

CHAIRMAN

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STRONGER PLACE SELECT COMMITTEE TERMS OF REFERENCE 2022/23

Definition of Stronger “Place” Select (Scrutiny) Committee

To consider Epping Forest District as a physical Place and to scrutinise the direction, policies and projects of the executive that affect the spatial and infrastructure requirements of the Epping Forest District.

The Committees Areas of Responsibility (Scope)

To consider the impact on customers, residents, businesses and visitors to our District, and to respond to consultation activities.

Sources of Information

Epping Forest DC Corporate Plan 2018-2023

Local Plan Submission Version, including Main Modifications.

Departmental Business Plans

Cabinet Corporate Aims and Objective 2021/22

Cabinet Work Programme 1 July to 31 October 2021

Key Objectives

1. To develop a work programme each year that effectively scrutinises the areas of responsibility outlined above.
2. To engage in policy review and development, with a focus on improvement and how this can be best achieved.
3. To consider any matter referred by the Overview and Scrutiny Committee, Cabinet or a Portfolio Holder and to make recommendations as appropriate.
4. To establish working groups and task and finish panels to undertake any activity within the terms of reference.
5. To undertake pre-scrutiny through the review of specific proposals of the Council and its partner organisations or other local service providers to help develop policy.
6. To engage with the community and encourage community engagement.
7. District Wide Management Contracts and provide scrutiny of services that are not performing to standard and develop proposals for their improvement.
8. To monitor and review relevant projects and associated closure and benefits reports.

To provide scrutiny for the following corporate projects:

1. Local Plan Delivery, Infrastructure Delivery Plan, S106 Agreements, associated parking
2. Epping Centre Development - St. Johns Road
3. North Weald airfield development (including master-planning)

4. Council Housebuilding
5. Economic growth, skills and employment
6. District Wide Waste Management Provision

To have overview of the green agenda – helping to inform policy and future proofing the Place.

To maintain an awareness of the impact of relevant external policies and partners.

**Stronger Place Select Committee
Work Programme 2022/23**

Chairman: Cllr R Balcombe

No.	Item	Deadline	Progress and Comments	Lead Officer	Programme of Meetings
1.	Litter Strategy	5 July 2022, and 8 Nov 2022	Recommendations to strengthen the strategy, circulate to members of the committee and reconsider at next meeting 13 Sept 2022	J Warwick	5 July 2022 13 Sept 2022 - (cancelled) 8 Nov 2022 16 Jan 2023 7 Mar 2023
2.	Local Plan	tbc	Update	N Richardson	
3.	Leisure Services Contract Update	13 Sept 2022	To be considered by Cabinet 17 Oct 2022.	J Warwick	
4.	Waste Management Update	8 Nov 2022		J Warwick	
5.	Parking Update	16 Jan 2023	Update on impact of tariff change and attendance by NEPP	J Warwick	
6.	Sustainable Transport	16 Jan 2023	Update on Sustainable Transport	S Llyod Jones	
7.	Essex Highways	n/a	Remove: External update from ECC Portfolio Holder – wider interest part of members briefing Removed from work programme		
8.	Air Quality Action Plan	16 Jan 2023	To be considered by Cabinet 13 March 2023	M Thompson	
9.	Climate Change Action Plan	7 March 2023	Update	N Richardson	
10.	Epping Forest District Market Policy	8 Nov 2022	To be Considered by Cabinet 19 Sept 2022	M Thompson/D King	

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SCRUTINY



Report to Stronger Place Select Committee

Date of meeting: 8 November 2022

Portfolio: Contracts and Commissioning Portfolio (Councillor Nigel Avey (Portfolio Holder))

Subject: EFDC Litter Strategy

Officer contact for further information: James Warwick (01992 564350)

Democratic Services Officer: Laura Kirman (01992 564273)

Recommendations/Decisions Required:

To note the Epping Forest District Council Litter Strategy as approved by Cabinet and the next steps for the Litter Strategy.

Report:

1. This report sets Epping Forest District Council's commitment to the Government's Litter Strategy for England along with The Environmental Protection Act (1990) and the Code of Practice on Litter and Refuse (2019).

The strategy aims to:

- change the behaviour of people who feel it is acceptable to drop litter through education and social media campaigns
- make it easy to dispose of litter, provide the appropriate facilities in the right places, and collect litter in a timely fashion
- improve enforcement by exercising council powers to deal with anyone who drops litter

2. This Litter Strategy explains how Epping Forest District Council's plans to continue its work in not only, meeting the Government's expectations but also reflect resident's desire to have a clean and healthy local environment free of litter, fly-tipping and dog waste.

3. The waste management team have begun to implement actions to achieve the aims of the litter strategy. This includes:

- Developing a waste communications plan with regular social media posts
- Recycling and anti-litter workshops at local primary and secondary schools – utilising a Dennis Eagle Freighter and working with the Youth Council
- Assessing current contractual arrangements for weed spraying
- Improving monitoring of gum clearance by Area Waste Officers
- Extending our trade waste collection service

- Looking at QR codes for street litter bins

4. Officers will work with Keep Britain Tidy to ensure this strategy and associated actions are in keeping with the aspirations of the Governments Litter Strategy.

5. The Delivery of the Litter Strategy will contribute positively towards the Council's environmental policies including its intention to reduce carbon in response to the climate emergency. In addition to statutory performance indicators, success will be measured in the Council's reduced carbon footprint i.e., less waste to landfill. Additionally, the Strategy will provide a platform to engage with partners to enhance the local environment, by securing behaviour change which will positively contribute towards the continuing aspirations of the Council as an area to visit, work and play.

Reason for decision:

The Litter Strategy sets out three principal reasons why the Council needs a litter strategy, namely:

- Publication by the UK Government of the National Litter Strategy for England and the Code of Practice on Litter and Refuse 2019 (COPLAR); https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834331/pb11577b-cop-litter1.pdf
- The importance of maintaining a clean environment and the need for a clear statement of how we intend to achieve this aim.
- The continuing pressure on Council budgets.

Options considered and rejected:

N/A

Resource implications:

Epping Forest District Council commits around £1.7m annually on its services relating to litter, fly tipping and street cleansing and the strategy will be used to improve the targeting of these resources. Some of the money spent on street cleansing/litter removal is avoidable – if there was no dropped litter, fly-tipping, or dog fouling then the Council would not need to spend money collecting and disposing of it.

Legal and Governance Implications:

Epping Forest District Council has duties under the Environmental Protection Act 1990 (EPA 1990). There are two duties within section 89 of the Environmental Protection Act 1990 that mean certain organisations (mostly public bodies) are to, as far as is practicable:

1. Keep land clear of litter and refuse
2. Keep roads clean

Duty 1 Section 89(1) of the Environmental Protection Act 1990 places a duty on certain bodies to ensure that their land (or land for which they are responsible) is, so far as is practicable, kept clear of litter and refuse.

Duty 2 Section 89(2) places a further duty on the Secretary of State in respect of motorways (National Highways) and a few other similar public highways, and on local authorities in

respect of all other publicly maintainable highways in their area, to ensure that the highway or road is, so far as is practicable, kept clean

Safer, Cleaner, Greener Implications:

The proposals listed in the report will have a positive impact on the street scene in the District.

There are no adverse implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Change Action Plan and Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Consultation Undertaken:

Consultation with Environmental Services

Background Papers:

None

Impact Assessments: Equality.

Risk Management

N/A

Equality:

Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental

impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.

4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. **All Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA.** An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: Contracts (Waste Management)

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: Litter Strategy

Officer completing the EqIA: James Warwick Tel: 01992 564350 Email: jwarwick@eppingforestdc.gov.uk

Date of completing the assessment: 21/03/22

Section 2: Policy to be analysed	
2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p>New strategy</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>The Litter Strategy will help to deliver the commitment to the Government's Litter Strategy for England along with The Environmental Protection Act (1990) and the Code of Practice on Litter and Refuse (2019). The strategy for a Cleaner Epping Forest District lays out EFDC's plans to continue it's work in the transformation of our open spaces and streets to ensure that in, not only, meeting the Government's expectations but also reflect resident's desire to have a clean and healthy local environment free of litter, fly-tipping and dog waste.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> • service users • employees • the wider community or groups of people, particularly where there are areas of known inequalities? <p>Residents will receive the same level of services as they currently do from the Waste Contract.</p> <p>Will the policy or decision influence how organisations operate? Yes, an improvement in services.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>Climate Change Action Plan and Policy</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	What does the information tell you about those groups identified? The current contract serves all residents of the District and all residents can access EFDC's waste collection service
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? N/A
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: N/A

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral This service is for all residents regardless of age.	L
Disability	Neutral The service is for all residents and assisted collections can be arranged	L
Gender	Neutral The service is available to all residents.	L
Gender reassignment	Neutral The service is available to all residents.	L
Marriage/civil partnership	Neutral The service is available to all residents.	L
Pregnancy/maternity	Neutral The service is available to all residents.	L
Race	Neutral The service is available to all residents.	L
Religion/belief	Neutral The service is available to all residents.	L
Sexual orientation	Neutral The service is available to all residents.	L

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No	
		L	If 'YES', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service:



Date: 23/03/22

Signature of person completing the EqIA:



Date: 23/03/22

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

Epping Forest District Council Litter Strategy

Working towards a litter free district – turning passive support into positive action.



Epping Forest District Council Litter Strategy

Contents

- 1. Introduction**
- 2. Visions and Aims**
- 3. Reporting Progress**
- 4. Appendices**
 - 1 Useful Contacts & Information Sources
 - 2 Council's Legal Duty – Clearance of Litter and Refuse
 - 3 The Code of Practice
 - 4 Enforcement Powers

1. Introduction

We want Epping Forest District to be a great place to live and work, with clean streets, open spaces, and countryside. It is accepted that litter, attracts littering behaviour, and we will continue working to address the litter issue, because maintaining a clean local environment is good for both our wellbeing and our local economy.

This strategy will help to deliver the commitment to the Governments Litter Strategy for England along with The Environmental Protection Act (1990) and the Code of Practice on Litter and Refuse (2019).

This document explains how Epping Forest District Council (EFDC) and other relevant partners can meet their legal duties to keep streets and open spaces for which they are responsible clean and free of litter.

Dealing with litter places a significant burden on the District Council, with an annual cost to the local taxpayer which would be better spent improving other local services. Living in a littered environment makes people feel less safe in their communities, and less likely to venture out which in turn affects mental and physical health. It is in all our interests to tackle this problem, to make littering socially unacceptable, to make it easy for people to do the right thing and remove any possible excuse for anti-social behaviour.

Given this continuing pressure together with the Council's legal duty and the undoubted benefits to the wider community of maintaining a clean environment to live and work in means that we look to all the community to help in delivering the strategy and using litter bins and taking our litter home to achieve this. Pride in our area must make littering an anti-social behaviour and organisations including youth and schools must help us in educating the importance of this message by *turning passive support into positive action*.

Importantly the emphasis must change from it is the council's responsibility to clean up the mess to preventing the litter and fly tipping in the first place. In addition to the actions contained in this strategy we also expect that each of our Duty Body partners take full responsibility for their spaces; and our other partners including the City of London for Epping Forest along with Town and Parish Councils will make the necessary arrangements in their areas to prevent littering, fly-tipping, and dog fouling.

2. Vision and aims

The strategy aims to:

- **change the behaviour** of people who feel it is acceptable to drop litter through education and social media campaigns
- **make it easy to dispose of litter**, provide the appropriate facilities in the right places, and collect litter in a timely fashion
- **improve enforcement** by exercising council powers to deal with anyone who drops litter

Changing Behaviour

We want to create a culture where it is totally unacceptable to drop litter. This means generating strong and consistent social pressure against littering, making it socially unacceptable to drop litter.

The Council will provide leadership, support and educational advice to those partners and the public to better enable them to understand and achieve the goals of the litter strategy which is to prevent litter and debris and report those that do litter and fly tip.

This will be achieved by:

- Spreading the message that litter is harmful to people, wildlife, and the environment through schools' work, social media campaigns, and using the recommended communications techniques from Keep Britain Tidy and WRAP.
- Promote Reuse and promote ways of disposing different types of litter correctly, for example at recycling centres or bring banks.
- Promote the bulky waste service and commercial trade waste service and its benefits to reducing fly tipping and littering locally.
- Support groups and schools to promote anti-litter and recycling messages
- Support national campaigns such as 'Keep Britain tidy' and clean up days through volunteering, supporting group with equipment and collection of waste and use of social media.
- Continue to support and encourage litter pick schemes with the public and internal and external partners by providing equipment, advice and guidance and the collection of litter.
- Optimise the use of the EFDC Community Champions programme who are local community volunteers that support and spread our EFDC wellbeing messages and initiatives along with organising community litter picks.
- All Council services will be made aware of the importance of litter prevention in managing costs
- Love Essex is an umbrella brand that acts on behalf of the Essex Waste Partnership and the Cleaner Essex group. Through the Love Essex brand, we aim to inspire Essex residents to reduce the amount of waste they throw away, recycle more, and reduce environmental crimes such as littering and fly-tipping.

Making it easier to dispose of litter

We will continue to provide an effective service and help support other partners and the public to ensure that we try to continue to reduce the amount of litter and debris in the district.

This will be achieved by:

- Optimise the use of recycling on the go (RotG) using WRAP guidelines and EFDC policy for the placement of litter bins along with the Litter Bin Installation Strategy to ensure we review and maintain bin infrastructure, to provide a suitable number of litter bins with support from parish and town councils.
- Maintain a good quality street cleansing service in line with national standards as set out in legislation.
- Ensure free flowing channels to maximise the capture capacity of our road gully's.
- Regularly review our weed removal programme with Essex County Council
- Ensure our drainage maintenance is optimised to ensure that detritus is not carried on to carriageways and pavements, in contract specification.
- Ensure that Waste Management carries out at least 25% of street cleansing inspections on the day of the scheduled cleanse or after.
- Continue and extend the pilot of recycling wheeled bins for environmental champions to replace recycling sacks and reduce litter from bags split by vermin.

- Ensure that contractors working on behalf of the Council are working to improve the local environment
- Continue to work with businesses to prevent and resolve litter related problems

Enforcement

Enforcement is an important part of keeping Epping Forest District clean and tidy, to do this we need to reduce the number of people who litter knowingly through education and enforcement.

We will use all our legal powers to fine or prosecute those who choose to fly-tip, litter or allow dogs to foul in public places.

We will be consistent in our approach and use all available enforcement options to ensure residents can live in a safe, clean and well-maintained environment.

We will work with stakeholders to tackle fly-tipping and litter hotspots.

3. Reporting Progress

Performance of the strategy will be monitored by the Council through reports to the Waste Partnership Board.

We will work with our neighbouring Councils to identify where efficiencies can be created in cross-working and to review any policy changes that may affect each other i.e., may lead to an increase in fly-tipping at Council boundary.

We will work with Keep Britain Tidy to ensure this strategy and associated actions are in keeping with the aspirations of the Governments Litter Strategy.

The Delivery of the Litter Strategy will contribute positively towards the Council's environmental polices including its intention to reduce carbon in response to the climate emergency. In addition to statutory performance indicators, success will be measured in the Council's reduced carbon footprint i.e., less waste to landfill. Additionally, the Strategy will provide a platform to engage with partners to enhance the local environment, by securing behaviour change which will positively contribute towards the continuing aspirations of the Council as an area to visit, work and play.

Appendices

Appendix 1: Useful Contacts & Information Sources

ORGANISATION	CONTACT DETAILS
Epping Forest District Council	www.Epping Forest District Council.gov.uk/contact-us/ 01992 564000
Essex County Council Highway Authority	www.essex.gov.uk/ www.essex.gov.uk/roads-streets-and-transport 0345 603 7631
Love Essex Love Essex is an umbrella brand that acts on behalf of the Essex Waste Partnership and the Cleaner Essex group.	www.loveessex.org/
Crime Stoppers (Reporting waste crime)	https://crimestoppers-uk.org/give-information/give-information-online/ 0800 555 111
Environment Agency (responsible for investigating illegal dumping and Environmental Incidents)	enquiries@environment-agency.gov.uk 03708 506 506
Essex Police (powers to fine/prosecute litterers/dog fouling and fly-tippers)	www.essex.police.uk/contact/af/contact-us/ 101
WRAP (Waste & Resources Action Programme) WRAP was established to promote and encourage sustainable resource use through product design, waste minimisation, re-use, recycling and reprocessing of waste materials.	https://wrap.org.uk/
Keep Britain Tidy (information on campaigning)	www.keepbritaintidy.org/home
TFL (Transport for London) Integrated transport authority responsible for meeting strategy and commitments on transport in London	https://tfl.gov.uk/ 0343 222 1234

City of London Responsible for the management of Epping Forest.	www.cityoflondon.gov.uk/footer/contact-the-city-corporation epping.forest@cityoflondon.gov.uk 020 8532 1010
National Highways Manage and improve England's motorways and major A roads	www.nationalhighways.co.uk/ Customer Enquiries 0300 123 5000

KEY INFORMATION SOURCES	WEB LINK
The Code of Practice on Litter and Refuse 2019	www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse
The National Litter Strategy	www.gov.uk/government/publications/litter-strategy-for-england
The Environmental Protection Act 1990	www.legislation.gov.uk/ukpga/1990/43/contents
Town and Country planning Act 1990	www.legislation.gov.uk/ukpga/1990/8/contents
Anti-social behaviour Crime & Policing Act 2014	www.legislation.gov.uk/ukpga/2014/12/contents/enacted
Prevention of Damage by Pests Act 1949	www.legislation.gov.uk/ukpga/Geo6/12-13-14/55/content

Appendix 2: Council's Legal Duty – Clearance of Litter and Refuse

The Council's Legal Duty

Epping Forest District Council has duties under the Environmental Protection Act 1990 (EPA 1990). There are two duties within section 89 of the Environmental Protection Act 1990 that mean certain organisations (mostly public bodies) are to, as far as is practicable:

1. Keep land clear of litter and refuse
2. Keep roads clean

Duty 1 Section 89(1) of the Environmental Protection Act 1990 places a duty on certain bodies to ensure that their land (or land for which they are responsible) is, so far as is practicable, kept clear of litter and refuse

Litter is most commonly assumed to include materials, often associated with smoking, eating and drinking, that are improperly discarded and left by members of the public; or are spilt during business operations as well as waste management operations

Refuse should be regarded as having its ordinary meaning of waste or rubbish, including household and commercial waste, and can include fly-tipped waste. Dog faeces are to be treated as if they were refuse, when on certain descriptions of public land (Dog fouling is a separate offence from littering.)

Duty 2 Section 89(2) places a further duty on the Secretary of State in respect of motorways (National Highways) and a few other similar public highways, and on local authorities in respect of all other publicly maintainable highways in their area, to ensure that the highway or road is, so far as is practicable, kept clean

The Legal Duty and where it applies

The Environmental Protection Act 1990 places a duty on the Council to ensure that streets/roads and open spaces are, **so far as is practicable**, kept clear of litter and refuse.

What this means

The duty means that the Council and responsible landowners must remove litter and/or refuse within certain time limits.

Where it applies

The duty applies to roads/streets and pavements and other open spaces areas accessible by the public.

The Legal Duty for Clean Roads

The Environmental Protection Act 1990 requires the Council to keep roads, as far as is practicable, clean.

This duty means that the Council and National Highways should keep litter and refuse by removing it within certain time limits as set out by the Code of Practice 2019.

This duty applies to all roads (the metalled surface which means the tarmac top) under the Council's control (this excludes motorways which are the responsibility of the National Highways).

Appendix 3: The Code of Practice

Zoning

The updated Code of Practice on Litter and Refuse 2019 (COPLAR); introduces a new zoning system to help Councils categorise their area which in turn allows it to define how quickly each zone should be returned (when littered) to a litter free standard.

The details of the requirements for Epping Forest District are specified below.

Each zone is examined in terms of its capacity to generate litter by determining:

- The intensity of activity in the area, from people and vehicles
- Health and safety limitations

As such, this revised Code has re-classified the different types of land managed by duty bodies into four main zones, based on these two variables. It is anticipated that this will help to guide duty bodies on the intensity of management required.

The classifications of zones are

- High intensity of use (busy public areas)
- Medium intensity of use ('everyday' areas, including most housing areas occupied by people most of the time)
- Low intensity of use (lightly trafficked areas that do not impact upon most people's lives most of the time)
- Areas with special circumstances (situations where issues of health and safety and reasonableness and practicability are dominant considerations when undertaking environmental maintenance work)

In addition to the classified Zones above Epping Forest District Council in line with their current Waste and Street Cleansing Contract also has a further classification for High Zones, classified as Z. These will be areas within the High intensity classification which are allocated street cleansing on a daily schedule but receive additional street cleansing up to three times a day based on the intensity of use.

The graded standards shown below are as defined in the original Code of Practice on Litter and Refuse issued under section 89(7) of the Environmental Protection Act 1990.

For litter and refuse:

Grade A: No litter or refuse

Grade B: Predominately free of litter and refuse apart from some small items

Grade C: Widespread distribution of litter and/or refuse with minor accumulations

Grade D: Heavily affected by litter and/or refuse with significant accumulations

For detritus (to be removed on metalled highways and recommended to be removed on all hard surfaces):

Grade A: No detritus

Grade B: Predominately free of detritus except for some light scattering

Grade C: Widespread distribution of detritus with minor accumulations

Grade D: Heavily affected by detritus with significant accumulations

Timings

The Code of practice expects Duty bodies to set their cleansing schedules so that they meet the duty to keep their relevant land clear of litter and refuse, and highways clean.

In some areas, these standards can be effectively maintained during daylight hours. However, in others longer hours of management are required, for example, in town and city centres.

If the standard in high intensity areas should fall to an unacceptable level during the evening, it should be restored to grade A by 8am. Good practice would be that grade A is achieved earlier, by the time the area begins to get busy. This applies to weekends and bank holidays as well as weekdays.

Epping Forest District Council operates at two levels with COPLAR 2019 and its own specification of fortnightly street cleansing schedules and Z High Zones.

The Code of Practice and clean roads

The Code of Practice suggests that:

- A regular sweeping and maintenance schedule should be prepared to allow the duty to be met.
- It would be good practice to cut back vegetation that grows on to the road/pavement surface.
- Weed control is implemented and effective.

Standards

The Code of Practice defines standards (A-D: A being clean) that the Council must meet. Restoration to a clean condition must take place within a set period of time unless there are difficult circumstances such as snow and ice.

The Council intends to meet its statutory obligations, and the standards detailed above, by implementing, monitoring and reviewing the actions in this strategy.

The Council in turn expects each of its partners (including the wider community) and duty bodies particularly in relation to Roads, Essex Highways and National Highways through its contractor, to do likewise.

Keeping Motorways Clean

National Highways is responsible for maintaining a litter free and clean motorway network.

Both the M11 and M25 run through the Epping District with junctions at Waltham Abbey, Loughton and North Weald.

Monitoring our Work

Monitoring of work and standards will be undertaken by the contractor's operational staff who carry out the cleansing work on the day. EFDC Waste Management Officers will also inspect streets that are on the schedule and due to be cleansed either on the day or the day after through random inspections. Random inspections should cover a total of 25% of the scheduled work due to be done in an officer's area in any one day.

Alongside the random inspections of scheduled work EFDC also conducts its own key Performance Indicator (KPI) for Litter and Detritus. Whilst based on NI195, inspections are conducted quarterly with 320 inspections with a total of 1280 inspections annually and the targets for each are as follows

- Litter 5%
- Detritus 7%

We will undertake the training necessary to make this “self-assessment” process robust and auditable.

We will also use the following devices to monitor our work:

- Customer surveys
- Complaints
- Independent Quality Inspections

Appendix 4

Litter Enforcement Table

Legislation	ENVIRONMENTAL PROTECTION ACT 1990				ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014			TOWN AND COUNTRY PLANNING ACT 1990	PREVENTION OF DAMAGE BY PESTS ACT 1949	PUBLIC HEALTH ACT 1936
Section	33	87	59	80	43	59	59	215	4	78
Offending Activity	Fly-tipping	Littering	Fly-tipping	Statutory Nuisance	Litter	Litter	Dog Fouling	Litter	Litter	Litter & Dog Fouling
Enforcement Action	Fixed Penalty or Prosecution	Fixed Penalty	Fixed Penalty or Prosecution	Abatement notice	Community Protection Notices	Public space Protection Orders (PSPO)	Fixed Penalty Notice	Fine or Prosecution	Fine or Prosecution	Fine or Prosecution
Penalty	£400	£150	£400	£400*	£75	£75	£75	£1,000	£1,000	£200
Action Against	Individuals (and legal entities such as Companies)	Individuals	Occupier of Land	Person responsible (whose act, default or sufferance the nuisance is attributable)	Occupier of premises	Occupier of land	Individuals	Individuals (and legal entities such as Companies)	Occupier of land	Occupier of land
Objective	Penalty for fly-tipping	Penalty for dropping litter	Penalty for fly-tipping	The abatement of the nuisance or prohibiting or restricting its occurrence or reoccurrence	Conduct of individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality or deemed unreasonable	Prevent litter or refuse being detrimental to the amenity of the area	Penalty for not picking up dog faeces after dog	Land Adversely Affecting Amenity of Neighbourhood	clearing of common courts and passages	Scavenging of common courts and passages
				* Fixed Penalty option – industrial, trade or business and £150 in all other cases.			Local Authority can introduce public spaces protection orders	LPA's also have powers under s219 to undertake the clean up works themselves and to recover the costs from the landowner.		

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SCRUTINY



Report to Stronger Place Select Committee

Date of meeting: 08 November 2022

Portfolio: Contracts & Commissioning Portfolio (Councillor N Avey)

Subject: Leisure Services Contract Update

Officer contact for further information: James Warwick (01992 564350)

Democratic Services Officer: Laura Kirman (01992 564273)

Recommendations/Decisions Required: To note and comment on the leisure services contract update.

Report:

1. Epping Forest District Council appointed Places for People Leisure (PFPL) as its partner for the development and management of its four leisure facilities. The agreement commenced in April 2017 and is a 20-year Design, Build, Operate and Maintain contract.

Contract Management

2. The contract is managed through monthly leisure contract managers meetings, where performance of the delivery of services in accordance with the agreed contract and against the performance standards are reviewed. Contract performance is monitored through monthly performance reports.

3. The Leisure Management Contract Partnership Board provides strategic oversight and robust challenges over the contract, providing effective dialogue and resolution of issues at senior officer and Member level.

Key Performance Indicators

4. The Council undertake monitoring of the services to ensure performance against set requirements and Key Performance Indicators (KPIs) in the contract. Key Performance Indicators are subject to effective scrutiny by Officers and Members as KPIs are reported to each operational meeting and Partnership Board. We are beginning to see a positive return to leisure centres compared to FY19-20 levels (see tables below).

Fitness Membership (Club Live)

Club Live	February 2020	July 2022	August 2022	September 2022	Var	%
Epping Sports Centre	1,691	1,234	1,233	1,243	- 448	-26%
Loughton Leisure Centre	4,348	3,948	3,950	3,943	- 405	-9%
Ongar Leisure Centre	1,320	1,133	1,131	1,115	- 205	-15%
Waltham Abbey Leisure Centre	2,586	2,437	2,422	2,403	- 183	-7%

Swimming Membership (Club Live)

Club Live	February 2020	July 2022	August 2022	September 2022	Var	%
Loughton Leisure Centre	524	517	526	517	- 7	-1%
Ongar Leisure Centre	115	166	161	164	+ 49	143%
Waltham Abbey Leisure Centre	376	436	436	446	+ 70	118%

Swimming Lessons

Swimming Lessons	February 2020	July 2022	August 2022	September 2022	Var	%
Loughton Leisure Centre	2,663	2,846	2,805	2,800	+ 137	105%
Ongar Leisure Centre	898	841	834	854	- 44	- 5%
Waltham Abbey Leisure Centre	1,480	1,704	1,748	1,808	+ 328	122%

Management Fee

5. During the Covid-19 pandemic, EFDC provided financial support to Places Leisure in order to maintain the operations of the leisure centres in the district. The financial support was provided by a monthly open book examination of Places Leisure's operating transactions and financial records. The recovery rates in leisure centre usage have enabled Places Leisure to resume the payment of management fees. Management fees for FY22-23 revert to fixed monthly fees as operational risk reverts to Places Leisure.

Energy Costs

6. The rising energy costs pose a significant challenge for the leisure industry. Officers and Places Leisure are continuing to work hard in mitigating the rising energy costs by implementing measures across the centres to reduce the levels of consumption. Initiatives that have already been introduced and good housekeeping has resulted in significant reductions in electricity and gas consumptions. Larger projects and opportunities being explored are pool covers in Waltham Abbey and Ongar; new BMS at Loughton; LED conversions at all centres; and variable speed drives on pool pumps at Loughton.

New Epping Leisure Centre

7. In January 2021, Cabinet agreed that the new leisure centre in Epping is to be delivered by Places Leisure under the DBOM contract (as the Waltham Abbey Leisure Centre). A formal Deed of Variation has been issued and an external legal adviser has been appointed to prepare and negotiate the DBOM contract variation. The new Epping Leisure Centre project is currently in the second stage of the procurement phase, with the contract award anticipated early 2023. The construction phase of the new Epping Leisure Centre is expected to commence Summer 2023, with a two-year construction period.

Reason for decision: To note good progress on leisure contract management.

Options considered and rejected: n/a

Consultation undertaken: n/a

Resource implications:

- Maintaining contract management processes via the EFDC Leisure and Parking Team.
- EFDC Procurement & Contracts Team to administer the procurement phase of the new Epping Leisure Centre project.
- External legal consultant for legal documents review and contract negotiations.
- EFDC Leisure and Parking Team and Places Leisure to oversee the new Epping Leisure Centre project.

Legal and Governance Implications: None.

Safer, Cleaner, Greener Implications:

Consultation Undertaken: None

Background Papers: None

Impact Assessments: N/a

Risk Management: The DBOM contractual arrangement reduces the risks to the Council by relying on the expertise of the leisure service provider to use their commercial and operational acumen to deliver and manage a facility at optimum cost ensuring the best commercial return. Leisure contract risks are assessed by Officers and kept under regular review.

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Report to Stronger Place Select Committee

Date of meeting: 8 November 2022

SCRUTINY



Portfolio: Contracts & Commissioning Portfolio (Councillor N Avey)

Subject: Waste Management Contract Update

Officer contact for further information: James Warwick (01992 564350)

Democratic Services Officer: Laura Kirman (01992 564273)

Recommendations/Decisions Required: To note and comment on the Waste Management Contract Update.

Report:

1. The Council is currently in contract with Biffa Municipal Ltd. for the delivery of waste, street cleansing and processing of dry recycling services. The Contract is due to expire in November 2024 after an initial period of ten (10) years and has the option to extend by (up to) a further ten (10) years, by mutual agreement.

Contract Management

2. The contract is managed through monthly managers meetings, where performance of the delivery of services in accordance with the agreed contract and against the performance standards are reviewed. Contract performance is monitored daily by the waste and recycling team manager and area waste officers, who monitor and carry out inspections throughout the district.

3. The Waste Management Partnership Board provides strategic oversight and robust challenges over the contract, providing effective dialogue and resolution of issues at senior officer and Member level.

4. The waste management contract has suffered from unprecedented levels of missed collections over the course of this year. Officers and members have worked closely with Biffa to reduce and stop the number of missed collections currently affecting the waste collection services. Members of Epping Forest District Council's Cabinet met with Biffa's Commercial Director and Regional Manager in August to discuss the issues and hear what Biffa are doing to improve the service delivery.

5. The missed collections are due to multiple factors, including a national shortage of staff, in particular Drivers and loaders. Biffa have increased the pay of operatives through a GMB National Agreement for pay which was applied in August and back dated to April. Further pay increases have recently been agreed as part of a two year pay agreement offer.

6. The breakdown of vehicles has also led to the current missed collections; this has been compounded by the lack of hire vehicles available and the time it takes to get spare and new parts for vehicles which result in increased amount of time the waste vehicles are off-road. To overcome this Biffa have introduced a brand new 26 tonne RCV bought into Epping end of June. Biffa are also having ongoing discussions with their vehicle maintenance provider to

improve vehicle reliability and reduce downtime for the remainder of the contract, including further investment in newer and refurbished vehicles.

7. Officers continue to monitor the performance of Biffa and work in a positive manner to improve service delivery and ensure that there are no further missed collections. The reporting of missed collections has also been looked at and improvements in this process have been implemented. Biffa have a new management team now employed to bring stability and experience to the contract and invested in updating Whitespace (Waste Management Software) to enable more efficient monitoring and reporting.

8. In addition Biffa have made the following investments and improvements to the contract:

- Increase in their Overheads by creating a new role and currently in the process of trialling an Operational Support colleague to help track and drive improvements within the contract. They will be employed on an initial fixed term 6-month contract.
- Two replacement footpath sweepers procured through fixed term lease which are estimated to arrive in Epping in October 2022.
- Two replacement cage vehicles and a replacement van being sourced.
- Invested in a new Pick-Up Truck for the Streets Supervisor.
- Full refurbishment program is currently ongoing for the 32t Scania fleet. They have already completed 4 refurbishments to the current fleet.
- A better solution for Narrow Access is being trialled so they can remove the problematic Garwood vehicles

9. Epping Forest District Council and Biffa are running a pilot scheme using wheeled bins for recycling in selected roads and are looking for residents to volunteer to have a blue lidded recycling bin. All recycling can be placed loose in the bin so no need to use the clear recycling sacks or to collect them from outlets. Glass can also be placed in the blue lidded bin instead of the current blue box.

10. Officers are reviewing the current arrangements for weed spraying and assessing how and when it takes place to ascertain what improvements can be made to ensure better service delivery and ensure the weed spraying has maximum effectiveness.

11. Cabinet agreed to go to market and run a full procurement process for the Waste / Street Cleansing Contract which expires in November 2024. Officers have begun work to start the procurement process. Market engagement events have been held with potential waste contractors.

12. A Cabinet report recommending the establishment of a Waste Management Portfolio Holder Advisory Group will be determined at November's Cabinet meeting. The group will provide advice in dealing with the current challenges and support the procurement of a new waste and recycling contract.

Reason for decision: To note current issues affecting the waste management contract and the actions taken to address these issues.

Options considered and rejected: n/a

Consultation undertaken: n/a

Resource implications: n/a

Legal and Governance Implications: None.

Safer, Cleaner, Greener Implications: Environment Bill, it is still not clear what new environment measures will be introduced and when by Government.

Consultation Undertaken: None

Background Papers: None

Impact Assessments: N/a

Risk Management: Good and robust contract management is required for the remainder of this contract to ensure the missed collections is kept under control and performance improves to the standard that is expected by officers, members, and residents.

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